PB-217 553

DIGEST OF WATER POLLUTION CONTROL LEGISLATION ... IDAHO

Public Health Service
Washington, D. C.

September 1958

DISTRIBUTED BY:

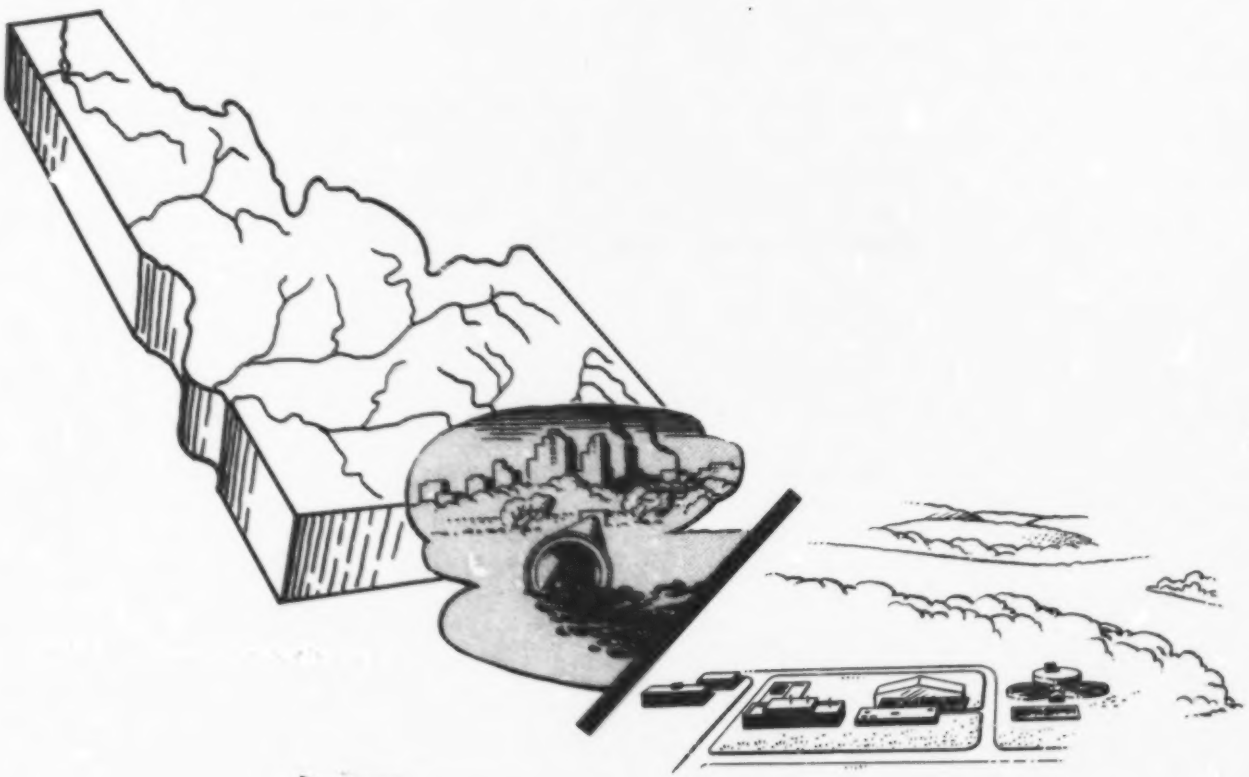
NTIS

National Technical Information Service
U. S. DEPARTMENT OF COMMERCE
5285 Port Royal Road, Springfield Va. 22151

TD 420 only
Ref.

PB 217 553
LIBRARY
SANITARY ENGINEERING CENTER
CINCINNATI, OHIO

Digest of WATER POLLUTION CONTROL LEGISLATION ... Idaho



Reproduced by
NATIONAL TECHNICAL
INFORMATION SERVICE
U S Department of Commerce
Springfield VA 22131

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

September 1958

DIGEST OF IDAHO WATER POLLUTION CONTROL LEGISLATION

I. GENERAL STATEMENT

The State Board of Health in Idaho is the agency which has the primary function of controlling water pollution caused by sewage or sewage effluents and any other pollution which may affect the public health. It has authority to establish and enforce minimum sanitary standards for:

1. The collection, treatment and distribution of drinking water; including regulation of the construction, extension, operation and maintenance of public water supply systems;

2. The quality of water supplied to the public and the quality of the effluent of sewerage systems and sewage treatment plants;

3. The collection, treatment and disposal of sewage, garbage, and refuse, including regulation of the construction, extension, operation and maintenance of sewage collection and treatment, garbage, and refuse disposal systems.

The Board has the further duty of protecting the watersheds used for public water supplies and abating nuisances when necessary for the purpose of eliminating sources of filth and communicable diseases affecting the public health (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code as sec. 39-101-4(13)(13)(a)). 1/

The Board is authorized to receive funds from the Federal Government which are made available for health purposes and to expend them as provided by law (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code as sec. 39-101-4 (16)).

Reproduced from best available copy.

1/ Citations in this digest refer to the Idaho Code and the 1955 Cumulative Supplement thereto, unless otherwise noted.

II. ADMINISTRATIVE ORGANIZATION

A. State Board of Health

1. Composition and organization

The Board is composed of five members appointed by the Governor and confirmed by the Senate. One member must be a physician licensed by the Idaho State Board of Medicine, and not more than one member may be an Idaho attorney. Not more than three members may belong to the same political party. The Board annually selects its own Chairman and Vice Chairman. The Administrator of Health, who is appointed by the Board, acts as Secretary of the Board and is the administrative officer thereof. Three members constitute a quorum for the conduct of business (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-1,2,3,5).

2. Powers and duties

a) General authority

The Board has general supervision of the promotion and protection of the lives and health of the people of the State, and administers and enforces all health laws, regulations and standards. It advises other State boards and departments as to the location, drainage, water supply and disposal of excreta of public institutions or buildings (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(4),(6),(10)).

b) Approval of plans

The Board has authority to approve plans for the construction or extension of drinking water systems, and sewage, garbage and refuse disposal systems (Laws of Idaho,1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(13)A, C).

c) Enforcement

The Board is authorized to abate nuisances when necessary for the purpose of eliminating sources of filth, and diseases. The Board is given the power to commence and maintain all necessary actions and proceedings to enforce the provisions of the Act. Persons aggrieved by any action or inaction of the Board must be afforded a hearing upon written request. The hearing is held by the Board or a hearing officer. A judicial review may be had of a final determination of the Board by a petition filed with the District Court within 30 days after receipt of notice of such determination. The petition for a writ of review must be served on the Secretary of the Board and on the Attorney General either by personal service or by registered mail and must state the grounds for the review. The Board, with its answer, must certify and file with the Court all documents and papers and a transcript of all testimony taken, together with its findings of fact and conclusions of law. The appellant and the Board in all cases are deemed the original parties to the appeal (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(13)(a),(14),(29)). Anyone who willfully violates the provisions of the public health laws or the terms of any lawful notice, order, standard, rule or regulation issued pursuant thereto, is subject to a fine or imprisonment, or both. Also anyone who fails to remove from property under his control, at his own expense, within 48 hours after being ordered to do so by the Board, any nuisance or source of filth is subject to a fine (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(30)).

The Attorney General is the legal advisor to the Board and must defend it and its members in all actions brought against it or them. The Prosecuting Attorney of the county in which a cause of action arises

must bring an action requested by the Administrator to abate a condition which exists in violation of, or for the enforcement of the health laws or the standards, orders, rules and regulations of the Board. In the event the Prosecuting Attorney fails to act, then the Attorney General must act, or if the Board approves, it may employ special counsel (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(28)).

d) Administrative powers

The Board is authorized to hold hearings, administer oaths, subpoena witnesses and take testimony in all matters relating to the exercise of its powers. The Board may adopt, amend, or rescind regulations, rules and standards as it deems necessary. Regulations adopted have the force of law. However, public hearings must be held before the adoption of any rule, regulation or standard, other than those for its own administrative functions (Laws of Idaho, 1957, Ch. 196, to be added to Idaho Code, as sec. 39-101-4(23),(24)).

III. MISCELLANEOUS PROVISIONS OF IDAHO STATUTES RELATING TO WATER POLLUTION

It is unlawful for anyone to throw into any stream or lake any deleterious substances that will kill fish. This prohibition does not apply to persons using explosives for internal improvement purposes provided they secure permission from the Director of the Fish and Game Department, nor does it apply to owners of quartz mills or reduction works, provided they build a suitable dam for settling purposes if the dam is approved by the Director of the Fish and Game Department (Sec. 36-1101). Persons taking or destroying fish by the use of illegal means are guilty of a misdemeanor (Sec. 36-1102).

Any person who puts the carcass of any dead animal, or the offal of a slaughter pen, or butcher shop into any waters of the State is guilty of a

misdemeanor (Sec. 18-5803).

Any person who knowingly leaves the carcass of any animal within a quarter of a mile of a stream of water for a longer period than 24 hours, without burying it, and by such exposure or burial within 300 feet of any stream, or other irrigation works pollutes so as to render unfit for domestic use, any stream of water or other irrigation works, used by others for domestic purposes, is guilty of a misdemeanor (Sec. 18-5807).

It is unlawful to enter or place any substance, without the consent of the owner, within an enclosed area of a reservoir, pond or tank wherein water is stored for domestic purposes and which is posted with warning signs. Violation is a misdemeanor (Sec. 18-7013).

Anyone who places any rubbish or filth into any canal, ditch, flume or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, mining, or domestic uses, is guilty of a misdemeanor (Sec. 18-4301).

Dredge mining operators using water in such process which flows into a stream of the State are required to construct settling ponds of sufficient capacity and character to reasonably clarify the water used in such process before it is discharged into the stream (1955 Cum. Supp., sec. 47-1315). 2/

Anyone who willfully poisons any spring, well or reservoir of water is subject to imprisonment in the State prison (Sec. 18-5501).

IV. INTERSTATE COMPACTS

Idaho participates in the following interstate compacts:

Bear River Compact (1955 Cum. Supp., sec. 42-3402)
Columbia Interstate Compact (1955 Cum. Supp., sec. 42-3403) 3/.

2/ The State Land Department is the agency which administers the dredge mining law. The law applies only to dredges with a daily capacity of 500 cubic yards, or more. Dredge operators must obtain permits and post performance bonds. The Land Department is authorized to adopt rules and regulations for its administration of the Act. Violators, after a hearing, can have their permits revoked.

3/ This compact has not yet been approved by Congress.